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ATTORNEYS FOR
 DEFENDANT YAHOO!, INC. AND
 INTERVENOR-PLAINTIFFS OATH, INC. AND
 OATH HOLDINGS, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

DROPLETS, INC.,
 Plaintiff,
 v.
 YAHOO!, INC.
 Defendant.

Case No. 12-cv-03733-JST (KAW)

**~~PROPOSED~~ ORDER
 MEMORIALIZING INSTRUCTIONS
 AND RULINGS FROM SECOND
 PRETRIAL CONFERENCE**

OATH INC. AND OATH HOLDINGS, INC.
 Intervenor-Plaintiffs,
 v.
 DROPLETS, INC.,
 Intervenor-Defendant.

Case No. 12-cv-04049-JST (KAW)

DROPLETS, INC.,
 Plaintiff,
 v.
 NORDSTROM, INC.
 Defendant.

The Court conducted a Pretrial Conference with Plaintiff Droplets, Inc. (“Droplets”) and Defendant Yahoo!, Inc. (“Yahoo”) (collectively, the “Parties”) on August 26, 2021. At the Pretrial Conference, the Court issued several instructions relating to the upcoming trial.

1. Jury selection in the above-captioned case is currently set for September 13, 2021. Also set for jury selection at the same time is a criminal case which, pursuant to 18 U.S.C. § 3161, is set first in line for trial. The Parties will be advised by Friday, September 10, 2021 at 6:00 PT whether jury selection in the criminal case will go forward on September 13, 2021. If the criminal case goes forward, the Court will conduct a status conference via Zoom with the Parties at 4 p.m. on September 13, 2021.

2. Trial will not be held on Yom Kippur (September 16, 2021); however, the Court will be available for non-jury or other housekeeping matters to the extent those matters can be handled by non-observant attorneys.

3. Pursuant to Federal Rule of Civil Procedure 615, the Court will not permit Yahoo’s witness, David Filo, to remain in the courtroom as Yahoo’s corporate representative.

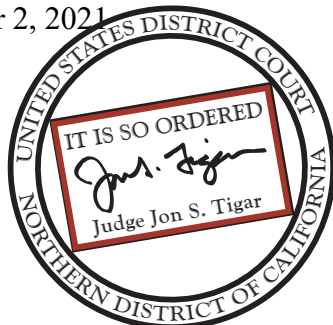
4. The Court will send a questionnaire with non-case-specific questions to the potential jurors. The answers to those questionnaires can be made available to the Parties approximately one week before jury selection. A questionnaire with case-specific questions will be circulated to the venire on the day of jury selection.

5. The Court expects that opening statements will take place on the second day of trial.

6. The Parties may provide joint notebooks to the jurors. The notebooks are to include only those materials and witness pictures agreed to by both Parties. The Parties must agree also on the formatting of each jury notebook.

Dated: September 2, 2021

Respectfully submitted,



/s/ Meghan C. Killian

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Dated: December 22, 2021

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